

TOWN OF LOS ALTOS HILLS

MEMORANDUM

DATE: August 21, 2020

FROM: Jeremy Loh, Assistant Planner

RE: Environmental Design and Protection Committee Review of Draft Tree Protection Ordinance

Throughout the process of drafting an update to the tree protection regulations in the Municipal Code, staff has reached out to the Environmental Design and Protection Committee (EDPC) for feedback. A draft of the proposed tree protection ordinance was reviewed by the EDPC in December of 2019 and a revised draft was reviewed by the EDPC in July of 2020. The attached documents were received by staff and summarizes the EDPC's recommendations.

Enclosures: EDPC recommendations dated January 20, 2019
EDPC feedback dated August 5, 2020

Recommendation to Planning Staff - January 20, 2019

- *EDPC recommends that the Town's tree protection regulations be amended to include the information listed below.*

Removal of Trees: A permit is required to remove a protected tree. Replacement trees may be required if the tree is removed during construction of a new home or an addition. Replacements can be similar native species.

The property owner is responsible for the actions of builders or employees who violate the rules.
Specify penalties.

The permit fee is waived for removing dead or downed trees.

Note that the Town has a program to remove dead trees at no charge to the owner.

Heritage Trees: A heritage tree is a large specimen of any species with unique value, which is considered irreplaceable. The major criteria for heritage tree designation are age, rarity, and size, as well as aesthetic, botanical, ecological, and historical value. Heritage trees are designated by the Town upon nomination by a homeowner.

Stands of Trees: A group of trees, the nature of which makes each dependent upon the other for the survival of the stand.

Multi-trunk Trees: The equivalent diameter for multiple trunks is calculated as follows: if the branching occurs higher than 3', measure the narrowest diameter below the fork. If the tree branches close to the ground, add together the squares of the diameter at breast height (DBH) of each stem, and take the square root of the total: $D = \sqrt{d1^2 + d2^2 + d3^2 + \dots}$

Pruning: Trees should only be pruned by certified arborists. No more than 25% of the foliage should be removed at any time.

Open Space Easements and Riparian Zones: Native trees of any size in these areas are protected.

Bay Laurel: Bay Laurel carries the Sudden Oak Death pathogen; not recommended within 30' of oaks.

Protected Species: Following is a list of protected species and a minimum DBH, and species required to be removed. *Should we list heights for each species also? If not, a minimum height of 30'?*

Category	Species - DBH		
Protected	Native Oaks (4 spp.)	12"	
	Big Leaf Maple	10"	
	Bay Laurel	15"	
	Madrone	10"	
	Douglas Fir	12"	
	Cottonwood	12"	
	Western Sycamore	12"	
	Buckeye	6"	
	White Alder	6"	
	Stands of Native Trees	6"	
	Willow	12"	
	Deodar Cedar	16"	
	Atlas Cedar	16"	
	Olive	12"	
	Heritage Trees	24"	
Required to Be Removed	Eucalyptus (6 spp.) within 150' of residence or roadway, Tree of Heaven		

Feedback to Planning Staff – August 5, 2020

- *Based on EDPC meeting with Jeremy Loh and Zachary Dahl July 14, 2020*
- *Based on DRAFT document of Title 10 Chapter 1 Section 14 document from Jeremy Loh, dated July 14, 2020*

EDPC recommends the following for the Town of Los Altos Hills tree protection ordinance:

1. Specify the protected species in the tree ordinance.
2. Instead of 30” diameter as definition of Protected Tree, please use 20” diameter DBH. DBH is defined as diameter at breast height at 4.5 feet above ground.
3. Retain Article 3 Heritage Oaks. Heritage Oaks should be included under “Protected Trees” and with its own set of regulations.
4. Define NATIVE tree, specify them and add to 10.1.402.
5. Define STAND of trees and add to 10.1.402.
6. Add Eucalyptus trees Under 10-1.1408 Public Nuisances – Enumerated. Eucalyptus trees are already required to be cut during new development if within 150 feet of a home. Furthermore, specify all exempted trees from tree protection (for example: homeowners can cut down Eucalyptus, Tree of Heaven, or Acacia of any DBH)
7. Under 10-1.1408 Public Nuisances – Enumerated. Add plantings along the pathways and the distance from the path and height of trees to continue to allow passage along the paths.
8. Similar to **10-1.1428 Conservation easement restrictions take precedence**. Please add for Pathway Element – Plantings along pathways and height of trees.
9. More clearly organize so the ordinance is more accessible to the lay reader. Previously the Tree Ordinance under the Parks and Recreation Title 12 was organized by chapters. For example under Chapter 2 Trees, Shrubs, and Plants, there are Articles. Under Articles are further sub-topics.

Other feedback:

1. EDPC often sees trees that are not native, but worth saving. We have no way of saving them.
2. The ordinance does not seem to address the issue of CLEAR CUTTING. This is when an applicant cuts down all the trees prior to submittal, sometimes even the Oak trees. How do we prevent this from happening? Continued to next point:
3. Where a stump is visible and evidence of permitless tree removal, is it possible to create a fine to disincentivize such behavior? For example, can we designate a minimum fine of \$10,000 per tree cut down with no arborist report (or even photo proof) of type of tree and the tree stump is greater than 20” diameter?
4. Would the fire department wish to add more species to the Nuisance Trees section that they deem fire hazards, such as conifers?